

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 685**

Introduced by Raikes, 25

Read first time January 22, 2003

Committee: Education

A BILL

1 FOR AN ACT relating to the Public Elementary and Secondary Student  
2 Fee Authorization Act; to amend sections 79-2,125 to  
3 79-2,127 and 79-2,131 to 79-2,134, Revised Statutes  
4 Supplement, 2002; to redefine terms; to change and  
5 eliminate provisions relating to fees and charges,  
6 donations, school stores, waivers, and policies; to  
7 harmonize provisions; to repeal the original sections;  
8 and to outright repeal sections 79-2,128 and 79-2,130,  
9 Revised Statutes Supplement, 2002.  
10 Be it enacted by the people of the State of Nebraska,

1                   Section 1.           Section 79-2,125, Revised Statutes  
2 Supplement, 2002, is amended to read:

3                   79-2,125. Sections 79-2,125 to 79-2,135 and section 4 of  
4 this act shall be known and may be cited as the Public Elementary  
5 and Secondary Student Fee Authorization Act.

6                   Sec. 2. Section 79-2,126, Revised Statutes Supplement,  
7 2002, is amended to read:

8                   79-2,126. For purposes of the Public Elementary and  
9 Secondary Student Fee Authorization Act:

10                   (1) Extracurricular activities means student activities  
11 or organizations which are supervised or administered by the school  
12 district, which do not count toward graduation or advancement  
13 between grades, and in which participation is not otherwise  
14 required by the school district;

15                   (2) Governing body means a school board of any class of  
16 school district or an educational service unit board; and

17                   (3) Postsecondary education costs means tuition and other  
18 fees associated with obtaining credit from a postsecondary  
19 educational institution. For a course in which students receive  
20 ~~both high school and~~ credit and for which they may also choose to  
21 apply for postsecondary education credit, or a course being taken  
22 as part of an approved accelerated or differentiated curriculum  
23 program pursuant to sections 79-1106 to 79-1108.03, the course  
24 shall be offered without charge for tuition, transportation, books,  
25 or other fees, except that if the student chooses to apply for  
26 postsecondary education credit, he or she may be charged tuition  
27 and other fees only associated with obtaining credits from a  
28 postsecondary educational institution.

1           Sec. 3. Section 79-2,127, Revised Statutes Supplement,  
2 2002, is amended to read:

3           79-2,127. Except as provided in section 79-2,133, a  
4 governing body may require and collect fees or other funds from or  
5 on behalf of students or require students to provide specialized  
6 equipment or specialized attire for any of the following purposes:

7           (1) Participation in extracurricular activities;

8           (2) Admission fees and transportation charges for  
9 spectators attending extracurricular activities;

10          (3) Postsecondary education costs;

11          (4) Transportation pursuant to sections 79-241, 79-605,  
12 and 79-611;

13          (5) Copies of student files or records pursuant to  
14 section 79-2,104;

15          (6) Reimbursement to the school district or educational  
16 service unit for school district or educational service unit  
17 property lost or damaged by the student;

18          (7) Before-and-after-school or prekindergarten services  
19 offered pursuant to section 79-1104;

20          (8) Summer school or night school; and

21          (9) Breakfast and lunch programs.

22          Except as provided in this section and section 79-2,131  
23 and section 4 of this act, a governing body shall not collect money  
24 from students.

25          Sec. 4. The Public Elementary and Secondary Student Fee  
26 Authorization Act does not limit the ability of a governing body to  
27 request, but not to require, donations of money, materials,  
28 equipment, or attire to defray costs. The act does not prohibit a

1 governing body from permitting students to supply materials for  
2 course projects if students who do not supply such materials have  
3 an opportunity to earn a grade in the highest grade category  
4 awarded for such course.

5           Sec. 5. Section 79-2,131, Revised Statutes Supplement,  
6 2002, is amended to read:

7           79-2,131. A governing body may require students to  
8 furnish musical instruments for participation in optional music  
9 courses that are not extracurricular activities if the governing  
10 body provides for the use of a musical instrument without charge  
11 for any student who qualifies for free or reduced-price lunches  
12 under United States Department of Agriculture child nutrition  
13 programs. Participation in a free-lunch program or reduced-price  
14 lunch program is not required to qualify for free or reduced-price  
15 lunches for purposes of this section. This section does not  
16 require a governing body to provide for the use of a particular  
17 type of musical instrument for any student. For ~~music courses that~~  
18 ~~are~~ musical extracurricular activities, a governing body may  
19 require fees or require students to provide specialized equipment,  
20 such as musical instruments, or specialized attire consistent with  
21 the Public Elementary and Secondary Student Fee Authorization Act.

22           Sec. 6. Section 79-2,132, Revised Statutes Supplement,  
23 2002, is amended to read:

24           79-2,132. The Public Elementary and Secondary Student  
25 Fee Authorization Act does not preclude operation of a school store  
26 in which students may purchase food, beverages, and personal or  
27 consumable items. A school store need not have a permanent  
28 physical presence and may consist of providing order forms for

1 students to voluntarily purchase items from the school or another  
2 vendor.

3           Sec. 7. Section 79-2,133, Revised Statutes Supplement,  
4 2002, is amended to read:

5           79-2,133. Each governing body shall establish a policy  
6 waiving the fees and providing the items otherwise required to be  
7 provided by students pursuant to ~~subdivisions (1) and (2)~~  
8 subdivision (1) of section 79-2,127 ~~and pursuant to section~~  
9 ~~79-2,130~~ for students who qualify for free or reduced-price lunches  
10 under United States Department of Agriculture child nutrition  
11 programs. Participation in a free-lunch program or reduced-price  
12 lunch program is not required to qualify for free or reduced-price  
13 lunches for purposes of this section.

14           Each governing body may establish a policy for waiving  
15 fees or providing items otherwise required to be provided by  
16 students in other circumstances.

17           Sec. 8. Section 79-2,134, Revised Statutes Supplement,  
18 2002, is amended to read:

19           79-2,134. On or before August 1, 2002, and annually each  
20 year thereafter, each school board shall hold a public hearing at a  
21 regular or special meeting of the board on a proposed student fee  
22 policy, following a review of the amount of money collected from  
23 students pursuant to, and the use of waivers provided in, the  
24 student fee policy for the prior school year. The student fee  
25 policy shall be adopted by a majority vote of the school board and  
26 shall be published in the student handbook. The board shall  
27 provide a copy of the student handbook to every student, or to  
28 every household in which at least one student resides, at no cost

1 to the student or household. The student fee policy shall include  
2 specific details regarding:

3 (1) The general written guidelines for any ~~clothing~~  
4 nonspecialized attire required for specified courses and  
5 activities;

6 (2) Any personal or consumable items a student will be  
7 required to furnish for specified courses and activities;

8 (3) Any materials required for course projects;

9 (4) Any specialized equipment or attire which a student  
10 will be required to provide for any extracurricular activity;

11 (5) Any fees required from a student for participation in  
12 any extracurricular activity;

13 (6) Any fees required for postsecondary education costs;

14 (7) Any fees required for transportation costs pursuant  
15 to sections 79-241, 79-605, and 79-611;

16 (8) Any fees required for copies of student files or  
17 records pursuant to section 79-2,104;

18 (9) Any fees required for participation in  
19 before-and-after-school or prekindergarten services offered  
20 pursuant to section 79-1104;

21 (10) Any fees required for participation in summer school  
22 or night school;

23 (11) Any fees for breakfast and lunch programs; and

24 (12) The waiver policy pursuant to section 79-2,133.

25 No fee, specialized equipment or attire, or  
26 nonspecialized attire may be required unless the dollar amount of  
27 the fee, the specifications for the specialized equipment or  
28 attire, or the specifications for the nonspecialized attire are

1 specified in the student fee policy approved by the board.

2           Sec. 9.     Original sections 79-2,125 to 79-2,127 and  
3 79-2,131 to 79-2,134, Revised Statutes Supplement, 2002, are  
4 repealed.

5           Sec. 10.   The following sections are outright repealed:  
6 Sections 79-2,128 and 79-2,130, Revised Statutes Supplement, 2002.